

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>ROBERT WHARTON,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>DONALD T. VAUGHN,</p> <p style="text-align: center;">Respondent.</p>	<p>CIVIL ACTION</p> <p>No. 2:01-cv-06049-MSG</p> <p>CAPITAL CASE</p>
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**MOTION OF THE DISTRICT ATTORNEY’S OFFICE
FOR BRIEF CONTINUANCE**

The District Attorney’s Office (“DAO”) respectfully requests a continuance of the hearing currently scheduled for June 10, and in support thereof, states:

1. Pursuant to the Court’s Orders dated May 13 and 26, 2022 (ECF Nos. 286 and 288, respectively), this Court scheduled a hearing regarding the Court’s “preliminary conclusion” expressed in its May 11, 2022 Memorandum and Opinion “that there has been a breach of [the DAO’s] duty of candor.” *See* ECF 284.
2. The Court initially scheduled a hearing for June 2, 2022 (per its May 13, 2022 Order, ECF 286) and then postponed it at the DAO’s request, scheduling the hearing for June 10, 2022 (per May 26, 2022 Order, ECF 288).
3. The Pennsylvania Office of the Attorney General (“AG”) filed on May 31, 2022 a motion requesting an adjournment of the June 10 hearing date. (ECF 289).
4. By Order dated June 1, 2022, the Court denied the AG’s request (ECF 293).
5. Also on June 1, 2022, the undersigned entered their appearance on behalf of the DAO.

6. The *Wharton* matter has spanned more than twenty-one years, and the Court held five days of hearings that led it to issue its May 11, 2022, Memorandum and Opinion.

7. The undersigned require an extension of time to sufficiently familiarize themselves with the Court's Memorandum and subsequent Orders, as well as allow them to prepare appropriate factual and legal responses to the matters raised by the Court.

8. Finally, there is no prejudice caused by a reasonable adjournment of the June 10, 2022, date for the requested 11 to 14 days. In contrast, those additional days are important to allow the DAO and its counsel to prepare.

WHEREFORE, we respectfully request that the June 10 hearing be rescheduled to a date providing sufficient time for new counsel and for when the DAO and its counsel are available. We respectfully propose, June 21, 22, 23 or 24.

Dated: June 2, 2022

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I, John S. Summers, hereby certify that on June 2, 2022, I caused the foregoing Motion for Brief Continuance to be served on the following counsel of record via ECF:

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